

**PHYSICAL THERAPY EXAMINING BOARD
SEPTEMBER 29, 2011
MINUTES**

PRESENT: Lori Dominiczak, PT; Mark Shropshire, PT; Jane Stroede, PTA; Michele Thorman, PT (via Live Meeting)

STAFF: Tom Ryan, Bureau Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS Staff

GUEST: Jeremy Levin, RWHC

CALL TO ORDER

Mark Shropshire, Chair, called the meeting to order at 8:37 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Item F (open session) – Presentation of Proposed Stipulations, Final Decisions and Orders, add:
 - 1) Marilyn K. Kochsiek-Waples, PT – 10 PHT 014
 - Attorney Pamela Stach
 - Case Advisor Mark Shropshire
- Item G (open session) – Board Review for Approval of Draft Scope Statement Regarding Revisions to Wis. Admin. Code § PT 7 Unprofessional Conduct, pages 13-16, is replaced with the following:
 - Board Review for Approval of Draft Scope Statement Regarding Revisions to Wis. Admin. Code § PT 7, Unprofessional Conduct, and PT 8 Relating to Biennial License Renewal
- Item H (open session) – Board Discussion of Rule Drafting – remove pages 17-18 and replace with handout on Revisions to PT 1 and PT 2
- Item N (closed session) – Deliberation of Proposed Stipulations, Final Decisions and Orders, insert after page 26:
 - 1) Marilyn K. Kochsiek-Waples, PT – 10 PHT 014
 - Case Advisor Mark Shropshire
- Item P (closed session) – Review of Administrative Warning in 10 PHT 002 - insert additional information after page 30
- Case Status Report (closed session) – insert at end of agenda

MOTION: Jane Stroede moved, seconded by Lori Dominiczak, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 7, 2011

Corrections:

- On page 3 – under FSBPT’s aPTitude – at the end of the paragraph, add: This may be revisited at a later date.
- On page 3 – after OTHER BUSINESS, insert CREDENTIALING LIAISON REPORT and add the Board’s discussion on this item.
- On page 5, under PAUL Z ABLER, PT, in the fourth line, delete the letter “s” after “discipline”

MOTION: Lori Dominiczak moved, seconded by Jane Stroede, to approve the minutes of July 7, 2011 as corrected. Motion carried unanimously.

UPDATE ON BOARD APPOINTMENT/REAPPOINTMENT PROCESS

Tom Ryan is in contact with the Governor’s Office and is working on filling the public member vacancy. Tom Ryan will make an inquiry regarding Michele Thorman’s reappointment.

SECRETARY MATTERS

No report at this time.

BUREAU DIRECTOR MATTERS

2012 Meeting Dates

Tom Ryan reviewed the 2012 meeting dates with the Board. There was an error in the meeting dates, and the corrected 2012 meeting dates are March 8, June 28, September 27 and December 6.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DOE staff presented the following Proposed Stipulations, Final Decisions and Orders:

- a) Marilyn K. Kochsiek-Waples, PT - 10 PHT 014

BOARD REVIEW FOR APPROVAL OF DRAFT SCOPE STATEMENT REGARDING REVISIONS TO WIS. ADMIN. CODE § PT 7 UNPROFESSIONAL CONDUCT AND § PT 8 BIENNIAL LICENSE RENEWAL

The Board reviewed the scope statement and made a few language changes.

MOTION: Michele Thorman moved, seconded by Jane Stroede, to adopt the amended scope statement and file it with the Governor’s Office. Motion carried unanimously.

MOTION: Mark Shropshire moved, seconded by Lori Dominiczak, to appoint Michele Thorman to approve the scope statement after it is returned from the Governor's Office and to file the scope statement with the Legislative Reference Bureau. Motion carried unanimously.

BOARD DISCUSSION OF RULE DRAFTING – REVISIONS TO RULES, PURSUANT TO WISCONSIN ACT 149

The Board reviewed the draft revisions to administrative rules and made some language changes. In the future, the Board may want to address terminology for identifying students and the point at which they can take the examination. Legal Counsel Sandy Nowack will redraft the proposed revisions as discussed and will confer with Mark Shropshire. The document will be brought back to the next Board meeting for review.

PRACTICE QUESTIONS

Diagnostic Ultrasound

The Board reviewed the correspondence from Sam Adams, CEO, Echometrix, Madison, Wisconsin, regarding diagnostic Ultrasound. The Board did not take a position on reimbursement.

May a Wisconsin licensed physical therapist accept referrals from a physician who is licensed in another state, is practicing in another state and is not licensed in Wisconsin?

The Board reviewed the response drafted by Sandy Nowack.

MOTION: Jane Stroede moved, seconded by Lori Dominiczak, to approve the response presented by Mark Shropshire and to post this information to the DSPS website under Practice FAQ's. Motion carried unanimously.

BOARD DISCUSSION ITEMS, INCLUDING ANY RECEIVED AFTER PRINTING OF AGENDA

Division of Enforcement Matters

None.

Education and Examination Matters

a) The impact of NPTE fixed date testing on the licensure process

The Board members expressed concern with fixed date testing for the NPTE and the possibility that limited seats may cause delays in taking the exam. The Board discussed possible solutions for expediting the exam registration process for new graduates. Sandy Nowack suggested amending the language of PT 3.02(1) to allow for individuals to sit for

the exam upon verification from the registrar that all academic and clinical requirements have been met.

Credentialing Matters/Liaison Report

Jane Stroede and Michele Thorman are the Credentialing Liaisons. If one of the liaisons needs to be recused from an issue, Lori Dominiczak will step in as the alternate liaison.

Discussion Regarding CE and WPTA

The Board discussed with Legal Counsel the WPTA Task Force approval process for CE and had some concerns. Mark Shropshire was charged to contact and follow up with the WPTA.

Practice Questions /Issues

There were no additional practice questions.

Legislation/Administrative Rule Matters

There was no report at this time.

Website Updates

Mark Shropshire and Lori Dominiczak have reviewed the website and have suggested changes. Board members are encouraged to suggest changes and DSPS staff will update the website as quickly as possible.

INFORMATIONAL ITEM(S)

There were no informational items.

PUBLIC COMMENT(S)

There were no public comments.

OTHER BUSINESS

There was no other business to discuss.

CLOSED SESSION

MOTION: Jane Stroede moved, seconded Lori Dominiczak, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to

confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Lori Dominiczak-yes; Mark Shropshire-yes; Jane Stroede-yes; and Michele Thorman-yes. Motion carried unanimously.

The Board convened into closed session at 11:09 a.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY
FOLLOWING CLOSED SESSION**

MOTION: Mark Shropshire moved, seconded by Lori Dominiczak, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 1:41 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**MARILYN K KOCHSIEK-WAPLES, PT
10 PHT 014**

MOTION: Jane Stroede moved, seconded by Michele Thorman, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Marilyn K. Kochsiek-Waples, PT. Motion carried unanimously.

REVIEW OF ADMINISTRATIVE WARNING IN 10 PHT 002

DOE Attorney Kim Kluck, attorney Thomas E. Hayes and the respondent appeared before the Board to review the Administrative Warning in case 10 PHT 002.

MOTION: Jane Stroede moved, seconded by Michele Thorman, to deny the request to rescind the Administrative Warning in case **10 PHT 002**. Motion carried. Lori Dominiczak was excused during deliberation and abstained from voting.

PROPOSED ADMINISTRATIVE WARNING(S)

11 PHT 003 (J.A.B.)

MOTION: Lori Dominiczak moved, seconded by Jane Stroede, to issue the Administrative Warning in case **11 PHT 003 against respondent J.A.B.** Motion carried. Michele Thorman was excused during deliberation and abstained from voting.

APPLICATION REVIEW(S)

PIA TAYAG, PTA

MOTION: Jane Stroede moved, seconded by Lori Dominiczak, to deny the request for equivalency of education for physical therapist assistant to Pia Tayag. Motion carried unanimously.

CASE CLOSING(S)

11 PHT 006

MOTION: Michele Thorman moved, seconded Jane Stroede, to close case **11 PHT 006** for compliance gained. Motion carried unanimously.

AUTHORIZATION TO SIGN BOARD ORDER

MOTION: Lori Dominiczak moved, seconded by Jane Stroede, to authorize a representative of the Department, to sign the order denying the request to rescind the administrative warning in case 10 PHT 002. Motion carried unanimously.

VALIDATION OF EXAM SCORE

MOTION: Mark Shropshire moved, seconded by Lori Dominiczak, to validate the score for the oral examination and issue the license when all requirements are met. Motion carried unanimously.

REPORT FROM FSBPT ANNUAL MEETING

Tom Ryan was elected Chair of the Council of Board Administrators. The Board congratulated Mr. Ryan. Tom Ryan and Michele Thorman reported on the FSBPT annual meeting.

ADJOURNMENT

MOTION: Lori Dominiczak moved, seconded by Jane Stroede, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:21 p.m.